IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3543 OF 2004

Chhabinath @ Anil R.Dixit .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.A.J.Mishra for the applicant.
Mr.S.R.Shinde APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 30TH AUGUST, 2004

P.C.:

. Heard Mr.Mishra, learned counsel for the applicant and Mr.Shinde, learned A.P.P. for the respondent.

2. The applicant approached this court for being released on bail in C.R.No.245 of 2002 registered at Kurar police station under section 302 read with 34 of Indian Penal Code. The occurrence in the instant case took place on 28.12.2002 in which the applicant and three others allegedly assaulted deceased - Virendra by means of sharp edged weapons. In so far as the present applicant is concerned, he was allegedly holding Khanjar. The occurrence was witnessed by four eye

witnesses including the complainant. All the four eye witnesses referred the present applicant, in their statements, as unknown persons and attributed specific overt act to him. The complainant in the test identification parade conducted on 28.2.2003, identified the applicant as the same unknown person referred to in the F.I.R. The applicant came to be arrested on 22.2.2003. The Khanjar, allegedly used, was recovered at the instance of the applicant on 3.3.2003. The post mortem reoprt supports the allegations against the applicant. Keeping all this in view and considering the role assigned to the present applicant and that he was identified by the complainant as one of the assailants, in my opinion, this is not a fit case to enlarge the applicant on bail. The application is rejected.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

(D.B.Bhosale, J.)